

## Reflections on Illegal Immigration in Botswana and South Africa

*Eugene K. Campbell*

*Department of Population Studies  
University of Botswana  
Gaborone, BOTSWANA.*

### **Abstract**

*Illegal labour immigration is increasingly a source of concern to politicians and the public in relatively rich countries within the Southern African Development Corporation (SADC). This paper examines the status of illegal immigration in Botswana and South Africa. The definition of illegal immigration is discussed. It draws extensively from similar experiences in the United States of America and other Sub-Saharan African countries. The major hosts of illegal immigration are South Africa, Botswana and Namibia. Primary sources are Mozambique and Zimbabwe. Huge economic disparities between Southern African states are largely responsible for illegal movements in the region. Apprehension and deportation of illegal immigrants are actively pursued in Botswana and South Africa. An effective method of border control in the past was the erection of electrified fence along parts of the South African borders. Some immigration policies are noted and proposals are made for implementation of measures that would assist in controlling illegal immigration in southern Africa.*

**Key words:** illegal immigration, immigration policy, unemployment, border control, social networks, international cooperation

## **Introduction**

One of the effects of economic globalization during the past one and a half decades is the increasing incidence of illegal immigration. Unlike legal residents, illegal immigrants live under desperate conditions that may have economic, social and especially psychological ramifications. They are therefore quite illusive due especially to the social networks that protect them from legal apprehension. Though some of them work in the formal sector, their activities are shrouded in relative secrecy and are not always consistent with receiving countries' economic, social and political enhancement. Drug and human trafficking contribute significantly to illegal immigration (Skeldon, 2000; Laniel, 2001; Adepoju, 2002). It is therefore not surprising that the motives of such migrants are frequently viewed with suspicion. Largely due to its notoriety, illegal immigration remains an area of serious concern to governments throughout the world. Its magnitude partly explains why several governments are reluctant to adopt less restrictive immigration policies. But it is also due to governments' complacency over the subject.

Mexicans in the United States of America (USA) constitute a classic case of the problem. In 2003 the gross domestic income (GNI) per capita of the United States was six times higher than that of Mexico (World Bank, 2004). Hanson and Spilimbergo (1996) observed a correlation between decrease in real wages in Mexico and apprehension of Mexicans at the Mexico-USA border. Though the economic gap between Mexico and the USA has declined reduced since the 1980, it still serves as an incentive for illegal movements of Mexicans into the USA. There are indications that increasing restriction on inflow of capital tends to push out those who become illegal immigrants in countries with favourable economic environment (Bandyopadhyay and Bandyopadhyay, 1998).

Southern Africa has been the most targeted region in sub-Saharan Africa due to its relatively high level of economic and social development. The most attractive countries in the region are South Africa, Botswana and Namibia. While economic factors are not the sole motivator of illegal immigration, they are the dominant ones. The increasing outflow of Zimbabwean illegal labour migrants to Botswana and South Africa is partly in response to the downturn of the Zimbabwean economy in the 1990s. Similar conditions in Ghana contributed to large-scale illegal movements of Ghanaians to Nigeria between 1980 and 1983. Since 1994, the government of South Africa has invested considerable time, money and human resource in the preparation of an immigration policy. It was recently adopted by parliament. Botswana, on the other hand, does not have an immigration policy. Its actions towards immigrants are guided by its Immigration Act and Constitution.

To the extent that illegal immigrants caused employers in the USA's private sector to save about \$1.5 billion in excess of US workers' loss due to wage depression (Huddle, 1995), illegal immigration does contribute positively to the private economic sector in host countries especially through the willingness of illegal immigrants to accept lower wages than native workers. They also contribute positively to economic and social development in home countries

through remittances. But the opportunity cost of hosting illegal immigrants is frequently perceived by some politicians and the natives to out-weight the benefits to such countries. Several countries throughout the world have therefore enacted laws aimed at stemming the number of immigrants living and working in their territory illegally. While the USA adopts a somewhat liberal political approach towards those who enter its territory illegally (Joppke, 1998), its immigration laws have been criticised for making illegal immigrants powerless and exploitable (Huddle, 1995). In a desperate move to rid Italy of illegal immigrants, an immigration law was passed in 1998 with provisions that would strictly prevent and contain illegal immigration in the country. Though the law is lenient on minors, pregnant women, women with children less than 6 months old and persecuted persons, parts of it have been criticised for violating human rights (Bonetti, 1998).

On numerous occasions illegal immigrants have been used as scapegoats in matters related to national economy. Up till the 1960s, the Ghanaian economy prospered and the government entertained immigrant participation in the national economic and social development. The legality of immigrants' residence status then received minimum attention. With a remarkable drop in Ghana's GNI per capita between the 1950s and 1960s, following a sharp fall in cocoa prices, real income reduced while unemployment rose. By the late 1960s the government of Ghana blamed the economic turn of events as well as criminal activities on the immigrant population in the country (Adepoju, 1995; Makinwa-Adebusoye, 1995). In desperation, the Aliens Compliance Order was legislated in 1969. It gave all illegal immigrants in the country only two weeks to legalize their status or leave the country. Subsequently, about 1.5 million illegal immigrants were expelled from Ghana. Consistent with the Ravenstein's law of migration and distance (see Grigg, 1977) most of them were Nigerians, many of whom had actually considered themselves to be Ghanaians. The implementation of the Aliens Compliance Order was criticised internationally for its failure to recognize the deportees' human rights.

The next Sub-Saharan African country to receive world-wide denunciation for ill-treatment of illegal immigrants is Nigeria. The astronomical rise in its GNI from 3.9 billion to 36.1 billion Naira in the 1970s encouraged excessive government expenditure on economic and social development. As in the case of Ghana, Nigeria attracted a massive influx of illegal immigrants due to its buoyant oil-based economy in the 1970s when demand for skilled labour exceeded its supply. Reportedly, about 77% of West Africans, including professionals, who lived in Nigeria during this period did so illegally (Makinwa-Adebusoye, 1995). When the demand for oil dropped in the 1980s it caused a fall in global oil prices. Nigeria subsequently experienced an economic recession in 1982 and the government identified illegal immigrants as perpetrators of all that was responsible for price inflation and increasing unemployment among Nigerian citizens. In January 1983 an expulsion order of illegal immigrants from Nigeria was implemented. Due to the subsequent return of many previous illegal immigrants to the country as well as the fact that several others were given protection within the country, a second Act on

expulsion of illegal immigrants was implemented in 1985. It is estimated that a total of 1.5 million illegal migrants were expelled from Nigeria (Makinwa-Adebusoye, 1995). Again, the distance factor was partly responsible for Ghanaians comprising the majority of the deportees. But additionally, and equally important, is the massive economic depression that Ghana experienced during the late 1970s and early 1980s. This has implications for future discussions because illegal immigration seems to thrive most when two countries with widely disparate economies exist close to each other.

## **Defining Illegal Immigration**

The meaning and implication of illegal immigration needs clarifying. An illegal immigrant could be defined as a person who enters a country of which he/she is not a citizen without demonstrating at the port of entry that he/she possesses legal documents that justify such entry. In effect, illegal immigration constitutes a criminal offence for which, if apprehended, could carry the full penalty of the Immigration Act. Not surprisingly, in countries where criminal behaviour is dealt with very seriously, persons accused of attempting or making an illegal entry may be treated harshly. While illegal immigrants are generally perceived to have crossed a country's border without required documents, a substantial number of such persons enter the country with appropriate documents. Students, previously employed persons whose work and residence permits have expired, tourists, refugees and visiting family members do constitute sources of illegal immigration. Still, there are illegal immigrants who may be justifiably so for short periods. Asylum-seekers and refugees may stay temporarily under conditions associated with illegal immigration while awaiting decisions on their applications for legal residence in a country. But these should not be seen to be illegal immigrants because the government would have acknowledged their presence in the country from their application forms.

There may be misguided perceptions about immigration when, as in the case of South Africa, immigrants who participate in the informal sector are generally perceived by the population as having entered the country illegally. The experience is that persons who enter Botswana and South Africa legally with goods are seldom questioned about the intended use of such commodities; and even where they are queried, it is unlikely that a person who intends to do illegal trading would reveal such information. Although goods imported into these countries would normally be taxed, the governments have not yet made provision to award immigrants permits to engage in petty trading. As a result, a substantial proportion of migrant street hawkers operate illegally. When 22 Zimbabweans were apprehended in Gaborone for illegally hawking goods, the only penalty that Gaborone City Council meted out was a fine of 50 Pula (about 5 US dollars) for each offence (Mogale, 1998). Immediately after payment of the fine, the perpetrators were apparently free to return to their abode in Botswana because their migrant status was not investigated.

## Data Availability

Partly due to the irregular nature of illegal immigration, it is extremely difficult to mobilize accurate data on the subject. In Botswana, it is difficult to obtain information concerning the number of apprehensions and deportations. Indeed, there is no available estimate of the volume of illegal immigrants to Botswana and Namibia. There is hardly any estimate of the number of illegal immigrants in South Africa for the years preceding 1990. As is the case throughout the world, particularly in sub-Saharan Africa, much of the discussions on illegal immigration in South Africa are speculative.

The reliability of illegal immigration data is contestable because available statistics cover only those who were apprehended. As experiences with undocumented Mexican immigrants in the United States show, those who were apprehended and deported would eventually adopt more effective methods to ensure that they re-entered and stayed illegally in the country for a longer period (Donato *et al.*, 1992; Kossoudji, 1992; Espenshade, 1994). From the study of Lesotho by McDonald *et al.* (1998), Mozambique and Zimbabwe as sources of illegal immigration, the indications are that about 22% of the adult population could get into and stay in South Africa without fear of being apprehended by the police. This indeed reflects a reasonably high proportion of people who are at risk of being illegal immigrants in South Africa.

It is estimated that the number of Mexicans living illegally in the USA was 5.2 million in 1992 (Massey and Singer, 1995). But, partly due to weaknesses in immigration departments' capacity to mobilize adequate statistics on illegal immigrants, it appears exceptionally difficult to obtain reliable estimates of their numbers in Southern African countries. While South Africa is the only country in the region where statistics exist on volume of illegal immigrants, the information is crude and may at best be treated as guestimates. In 1999 the South African Broadcasting Corporation (SABC) reported that out of about 48,000 foreigners who applied for refugee status between 1994 and 1998, only 8,000 were genuine cases. From this exercise alone, South Africa may have had about 40,000 illegal immigrants.

Current estimates of illegal immigrants in South Africa range from 2.5 million to a staggering 8-12 million (Kotze and Hill, 1997; McDonald *et al.*, 1998). With the exclusion of South Africa, the total population of Sub-Saharan Africa (from which illegal migrations into South Africa occur) is 466 million. Meanwhile, South Africa's GNI per capita is five times higher than that of the rest of Sub-Saharan Africa. Notwithstanding the potential of this to motivate illegal immigration, Kotze and Hill's 'guestimate' of about 2.5 - 4.1 million illegal immigrants in South Africa still appears high. However, considering that in 1983, about three-quarters of West African immigrants in Nigeria lived there illegally, Kotze and Hill's figures are not implausible. Between 1994 and 2000, about 600,000 people were deported from South Africa (Crush, 2001). In 2003 Botswana deported 26,717 Zimbabweans from the country (Packard, 2003).

These statistics indicate that a substantial proportion of non-citizens in South Africa and Botswana live there illegally. In view of the foregoing, should the academia ignore studies on illegal migration? No, because every additional information about methods, behaviour and effects assist to improve understanding of the dynamics of this phenomenon.

## **The South African Situation**

The government of South Africa has experience considerable difficulties in its quest to ensure that the country's limited resources are fairly spread out for the benefit of every citizen. Partly due to this, illegal immigration is a priority issue in the country's immigration policy. Government officials, the press and individual South Africans have voiced opinions reflecting intolerance of illegal immigrants in the country (Danson and McDonald, 2000; Crush 2001). A recent study in Southern Africa by the Southern African Migration Project (SAMP) indicates that people in sending and receiving countries have very low opinions of illegal immigrants. Over 65% of South Africans feel that illegal immigrants should never be granted police protection or rights to social security and legal protection; and almost 90% believe that illegal immigrants should never be granted voting right or freedom of speech.

Since 1994, when the first democratic elections were held in South Africa, several measures have been taken by the government to protect its economy and society from migrant invasion from especially northern countries. The Aliens Control Amendment Act (ACAA) that was adopted by the new government in 1995 primarily to control illegal immigration is generally acknowledged as an inheritance from the apartheid era. This has contributed largely to its unpopularity. It has been succeeded by the Green Paper on International Migration (South Africa, 1997), the White Paper on International Migration (South Africa, 1999) and, finally, the Immigration Bill which was adopted by parliament in 2002. These documents reflect the seriousness with which the South African government is striving towards implementing a humane and fair immigration policy.

Before 1990 there was hardly much concern about illegal immigration in South Africa. This may be partly explained by the myth and reality about the Apartheid government that was in place then. While its immigration policy seemed friendly towards whites, it was definitely hostile towards blacks. Perceived fear of the harsh treatment meted out to blacks who flouted civil or criminal laws in South Africa by racist immigration officers may have served to deter illegal border movement. An example of how far the previous government was prepared to go in order to discourage illegal border crossings from neighbouring populations is the instalment of an electrified fence at the northern side of South Africa's borders in the mid-1980s (Kotze and Hill, 1997).

The fence's 'lethal' mode is fatal while the 'alarm' mode was designed to warn border patrol officers of attempted border crossings. Up to 1990 the fence was placed in 'lethal' mode causing over 100 deaths among those who came

across it. Partly due to the National Party's extension of goodwill towards opposition groups, including the historical release from prison of President Nelson Mandela, the border fence was placed on 'alarm' mode in 1990.

Indeed, South Africa has a remarkable history of legal migration from as early as the late 19th century by contracting international labour migrants (Taylor, 1990). Still, in the years preceding 1990, there would have been considerable labour migrants living in the country illegally. During the 1980s when world-wide sanctions were actively implemented against apartheid South Africa several skilled foreigners from other Sub-Saharan African countries migrated legally to the 'homelands' to work. Most of them have lived and worked there continuously since they first entered the country. Although most African governments overtly shunned economic relations with South Africa before 1990, its products were imported and sold even in West Africa then. In effect, the political and social costs of being in South Africa before 1990 did not affect its economic attraction equally among labour migrants in Sub-Saharan Africa. Considering that South Africa shares borders with countries, such as Mozambique, Lesotho and Zimbabwe with relatively poor economies there is strong likelihood of massive illegal labour movements across South Africa's borders prior to 1990.

Uncontrolled illegal immigration has serious implications for the status of the economy. Illegal immigrants are mostly poorly educated and therefore compete for jobs with the lower classes of the host country's population. It may be assumed that the opportunity costs of becoming an illegal immigrant in South Africa would increase continuously between the time the decision to move out of the source country was implemented and the migrant's arrival at the border. While the direct costs continue to increase, the optimum state of the opportunity costs would occur if the immigrant gets apprehended at the border. This is especially true as a rational person would have provided adequately for all (or most) costs, including time cost, associated with perceived apprehension measures. Naturally, such information would have derived directly or otherwise from previously apprehended illegal immigrants. From the time the immigrant successfully enters South Africa the opportunity costs begin to fall; and this continues up to the stage when such person enters the labour market. But such costs are never eliminated until a change from illegal to legal residence status is attained. As the study by McDonald *et al.* (1998) indicates, between 81% and 87% of adults in Lesotho, Mozambique and Zimbabwe would prefer that people from other African countries have the same job opportunities and medical services, respectively, in South Africa as South African citizens. It may be surmised therefore that a desire for at least temporary legal residence status in South Africa exist in every illegal immigrant and every possible effort, legal or illegal, may be made to attain that goal.

### **The Botswana Situation**

The per capita GNI of Botswana increased at an annual average rate of 9%

between 1985/86 and 1988/89 and continued rising from US\$2,790 in 1993, US\$3,310 in 1998/99 to US\$3,430 in 2003 (Botswana, 1997; 1999; PRB, 1999; World Bank, 2004). Its foreign reserves have also increased annually and they were US\$5.9 billion in 2001 (Gaolathe, 2002). Largely due to its economy, Botswana has had to contend with some degree of illegal labour immigration. In 1998, 18 illegal immigrants from Zimbabwe, whose planned destination was South Africa, were discovered dead in Botswana. This incident made headlines in the Botswana news media largely because the bodies were discovered on the Botswana side of the Botswana-South Africa border. Reportedly, there were initially 80 persons herded in a trailer which was bound for South Africa and each person paid about US\$30 for the trip (Anneleng, 1998). There are indications that similar events have previously led to apprehension of about 88 illegal immigrants and truck drivers in Botswana. There have been actions related to deportation of illegal foreigners from the country. Table 1 shows a remarkable decline among illegal immigrants deported between 1992/93 and 1993/94. It is unlikely that this reflects reduction in the incidence of illegal immigration because the number of deportees increased significantly during the following years. It is uncertain whether or not differences in the number of people deported reflect varying levels of apprehension annually between 1992/93 and 1996/97. The table does not provide for knowledge about the sex and age distribution of the persons who were deported.

**Table 1: Number of Illegal Immigrants Deported from Botswana, by Year.**

Year	Deportees
1992/93	17,943
1993/94	8,810
1994/95	14,346
1995/96	16,930
1996/97	16,553
Total	74,582

Source: Department of Immigration and Citizenship, Head of Investigation and Repatriation Division, Government of Botswana, November 1998.

Zimbabweans form most of Botswana's illegal immigrants, and one of the factors motivating this process is the extension of national health services cards to children born of foreign parents in the country. In the northern part of Botswana, immigrants from Zimbabwe frequently abuse these facilities. As Table 2 shows, Botswana's economy (as manifest in the GNI per capita) is better than most economies in Sub-Saharan Africa. A notable exception is Gabon whose GNI per capita is about US\$3,580. The effects of a structural adjustment programme, including massive devaluation of the Zimbabwe Dollar and astronomical increases in food and petrol prices, have been a dramatic fall of people's quality of life. But bad governance and international economic sanctions against Zimbabwe have also contributed to increased poverty in the



country. Botswana's current GNI per capita is seven times higher than that of Zimbabwe; and this economic advantage is likely to increase if serious efforts are not made to stem the country's economic decline.

**Table 2: Number of Times the GDP Per Capita of South Africa and Botswana Exceed those of Other Areas in Sub-Saharan Africa.**

Region and Country	Number of Times Country's GDP Per Capita Is Greater Than That of Region/Country	
	South Africa	Botswana
Rest of Sub-Saharan Africa	6.2	6.4
West Africa	9.4	9.7
Central Africa	10.7	11.0
East Africa	12.3	12.7
Rest of Southern Africa	1.1	1.1
Botswana	0.8	-
Lesotho	4.7	5.8
Mozambique	13.2	16.3
South Africa	-	1.2
Zambia	7.3	9.0
Zimbabwe	5.8	7.1

Source: Computed from *World Population Data Sheet* (1999), Population Reference Bureau.

Under the auspices of SAMP, a study was done in 2001 to investigate the attitudes of Botswana (citizens of Botswana) towards immigrants in the country (see Campbell, 2003 for methodology of the study). The results revealed that Botswana nationals have a passionate dislike for illegal immigrants. On a scale of zero to ten, almost 70% of the sample rate illegal immigrants zero. Table 3 shows most nationals (95%) were opposed to illegal immigrants being granted freedom of speech in Botswana. Indeed, a greater proportion than what was observed in South Africa (98%) opposed the idea that illegal immigrants should be granted voting rights. There was overwhelming support for the army to be deployed to guard the country's borders, for entrepreneurs that employ illegal immigrants to be prosecuted and for deportation of all illegal immigrants. Paradoxically, long after the new majority government in South Africa saw it fit to switch the country's electric fence from lethal to alarm mode, almost 60% of Botswana citizens preferred that a similar fence be constructed in Botswana and switched on lethal mode. There is evidence that an electric fence has been erected on the Botswana-Zimbabwe border. It is powered by solar energy and there were fears that it would be switch on lethal mode before the national parliamentary elections in Zimbabwe in March 31, 2005.

Largely because of the economic disparity between Botswana and Zimbabwe,

Botswana (citizens of Botswana) perceive almost all Zimbabweans in the country are illegal immigrants. This has contributed largely to frequent police raids in areas suspected to harbour illegal immigrants from Zimbabwe. However, though Zimbabweans bear the brunt of the Botswana's anger over the increasing incidence of crime and prostitution in Botswana, the police have often tried to dismiss this perception.

**Table 3: Botswana's Support or Otherwise for Government Granting Rights to Illegal Immigrants and Methods of Controlling Illegal Immigration (in percentage).**

	Support	Neutral	Oppose	Total
Right to freedom of speech	2.4	2.7	94.9	100.0
Right to vote	0.5	1.2	98.3	100.0
Right to legal protection	27.0	13.4	59.6	100.0
Right to police protection	20.1	14.5	65.4	100.0
Right to social services	16.0	6.7	77.3	100.0
Increase funds for border control	66.5	10.6	22.9	100.0
Use army to patrol border	94.5	1.9	3.6	100.0
Police should detain illegal immigrants	86.8	7.0	6.2	100.0
Prosecute employers of illegal immigrants	94.8	3.1	2.1	100.0
Turn on the electric fence	58.9	7.6	33.5	100.0
Deport illegal immigrants	93.3	1.5	5.2	100.0

Number of respondents in each case is 781.

### Why Are There So Many Illegal Migrants?

Among the explanations for the large number of illegal immigrants in South Africa is foreigners' perception of a spirit of *camerade*. This relationship should exist between black South Africans and fellow blacks in Sub-Saharan Africa who showed considerable sympathy with South African exiles in the 1970s and 1980s. It was anticipated that, given the special relationship between South Africa and other Sub-Saharan African countries from which it received political, military and economic support during this period, immigration from especially neighbouring countries would be among the least areas of concern among South Africans. But this perception was a miscalculation of the post-apartheid South African government's intentions. One of the first measures taken in revising the Aliens Control Act during the transition to democracy was to address the problem of illegal aliens anticipated in the country (Maduna, 1995). Several pronouncements by the Minister of Home Affairs since 1994 attest to South Africa's intolerance of illegal immigration.

Similarly, the government of Botswana has, on several occasions in the past,

extended an inviting hand of compassion to victims of racial prejudice and political conflict. During the 1970s, Botswana hosted between 6,000 and 30,000 refugees from Zimbabwe, South Africa and Namibia. Most of them were offered employment and education opportunities in the country. Of nearly 17,000 persons that were granted Botswana citizenship between 1971 and 1981, the majority were refugees and their offspring (Milazi, 1995). It is not coincidental that most illegal immigrants in the country are Zimbabweans. Apart from sharing political borders, Zimbabwe and Botswana have a long history of diasporas movements. Due to ethnic conflict and the banishment of their chief, the Bakalanga, an ethnic minority in the northern parts of Botswana, were forced to flee to southern Zimbabwe where they received refuge in 1947. This sealed close family relations between the Bakalanga and the people of southern Zimbabwe. Their eventual return to Botswana was granted in 1958 (Dube, 2002). This traditional demonstration of friendship and other historical connections are among the factors that contributed to an influx of illegal immigrants from Zimbabwean. However, modernizing and economic influences have changed Botswana government's attitude to immigration and increased public intolerance of illegal immigration.

As stated earlier, where large-scale illegal immigration occur its explanation partly lies in the existence of two or more adjoining countries with highly divergent economic positions. Table 2 reveals marked economic differences between Southern Africa and the rest of Sub-Saharan Africa, especially East Africa. This serves as a source for a substantial proportion of illegal immigration in South Africa and Botswana. South Africa's vibrant industrial economy is reflected in GNI per capita of US\$2,780 in 2003, which is thirteen times higher than that of Mozambique. With such marked income differential, it is not surprising that Mozambicans constitute the largest number of persons deported from South Africa between 1990 and 1997 (see Crush, 2001). Proximity of Lesotho to South Africa, drought and relatively weak economy largely explain why about 50% of households in Lesotho live mostly on remittances from labour migrants in South Africa, several of them living in South Africa illegally.

In examining the factors responsible for the large population of illegal immigrants in South Africa, a brief assessment of the immigration control measures is in order. Implementation of the Aliens Control Act includes unannounced visits by the South African Police Service (SAPS) to areas where illegal immigrants reportedly live. Where individuals fail to show evidence of being in the country legally, swift apprehensive measures are taken. These include immediate arrest, imprisonment and eventual deportation. From available statistics a total of 900,266 illegal immigrants were deported from South Africa between 1990 and 1997, 82% of them being Mozambicans (see Table 4). Zimbabweans deported from Botswana increased from 8,465 in 1997, through 12,000 in 1999, 25,511 in 2001 to 26,585 in 2002 (Daily News, 2000a; 2004).

It is generally acknowledged that various social networks and individuals help

to protect illegal immigrants from apprehension. Unscrupulous employers prefer to hire illegal immigrants because they provide cheap labour and therefore constitute a convenient source for profit maximization. They also minimize risk of conflict with labour unions, especially where illegal employees forfeit their rights to medical aid and other insurance benefits. Employment of illegal immigrants is common practice in Botswana and South Africa. Many are employed as domestic and construction workers. Government officers and politicians in Botswana are increasingly warning employers to desist from employing illegal immigrants (Daily News, 2001b; 2002). It is illegal for any organization to knowingly employ illegal immigrants; and where such offence is committed the employer is at risk of being apprehended and fined. In South Africa, SAPS makes unannounced visits to employing agencies where there is suspicion of employment of illegal immigrants. These measures are more or less similar to those adopted in Europe and the USA (Kossoudji, 1992; SOPEMI, 1993; Espenshade, 1994). But the methods of apprehending suspected illegal immigrants in South Africa appear crude, considering the frequency with which SAPS has been criticized for its approach (Kotze and Hill, 1997).

**Table 4: Number of Mozambicans Deported as a Percentage of All Deportees From South Africa, by Year.**

Year	No. Deported	As Percentage of Total Deported
1990	42,330	79
1991	47,074	77
1992	61,210	74
1993	80,926	84
1994	71,279	79
1995	131,689	84
1996	157,425	87
1997	146,285	83
Total	738,218	82

Source: Covane *et al.* (1998), p.2.

### **Why Illegal Immigration Causes Much Concern**

A major concern of the African National Congress (ANC) and Botswana Democratic party (BDP) parties (which constitute national governments in South Africa and Botswana, respectively) is the high incidence and severity of poverty in both rural and urban areas (South Africa, 1996; Daily News, 2004). The World Fact book (2004) puts the unemployment rate in South Africa and Botswana at 37% and 40%, respectively (notwithstanding that the official figure for Botswana is 21%). Assuming that these statistics reflect the position among legal residents in these countries, any prospect of an increase in unemployment

among nationals would be a serious cause for concern to an elected politician. This is more so as the black population is the most affected by unemployment and poverty.

Illegal immigration is an economic exercise that includes all factors associated with the rationalization of costs and benefits involved in the maximization of profits from an economic enterprise. Street trading is one of the activities targeted by illegal immigrants, and there are indications that the profit margin in this sector is high (Puberty and Crush, 1998). It may be assumed further that several illegal immigrations involve the services of middlemen who operate within the framework of social networks to ensure the survival of the consumers (i.e. illegal immigrants) and suppliers of commodities (i.e. successful border crossing, employment and security). Through various means employed by social network facilities (including nepotism), illegal immigrants obtain jobs for which available nationals qualify to fill.

A recent study reveals that about 60% of South Africans feel that immigrants contribute to weakening the society (Crush and Mattes, 1998). In Botswana, 60% of respondents felt that immigrants take jobs away from nationals, while 48% blamed them for increasing crime (see Campbell (2003) for details about this study). The 1990s was a decade of increasing incidence of crime and prostitution in both countries; and the former generated fear among city residents, especially in Johannesburg, Cape Town and Francis town. Prostitution is a source of concern particularly due to its potential to increase the spread of human immunodeficiency virus (HIV). Not surprisingly, a prominent South African Spokesman was quoted to have made the following statement in 1996:

“Illegal immigrant, most of whom live in Gauteng, are aggravating the crime situation and robbing South Africans of jobs.....They have added 1,900 million Rand to the country's bill for health, education and housing and are also proving to be a drain on Reconstruction and Development Projects.”  
(McDonald *et al.*, 1998, 21).

Most of the fears that South Africans and Botswana have about illegal immigrants relate to crime, job availability, the economy and disease (Crush and Mattes, 1998; Campbell, 2003). An additional cause of concern to the Botswana government is the high cost of caring and deporting illegal immigrants. It is estimated that annual cost of apprehending and deporting illegal immigrants exceed US\$40,000 (Daily News, 2000b). In keeping with international requirements that illegal immigrants be kept out of prison, the government of Botswana has built an elaborate detention centre in Francis town. It costs approximately P49 million (US\$9.8 million) and could accommodate 500 people. Its facilities include separate cell blocks and dining halls for males and females, a kitchen, clinic library, sports facilities and a multi-purpose hall (Daily News, 2001a).

### **Illegal versus Legal Immigrants**

Events in Botswana and South Africa suggest that attitudes toward migration between poor and rich countries in Sub-Saharan Africa have changed over the past ten to twenty years. Before 1980 several nations received international

migrants with open hands. Indeed Ghanaians and Nigerians extended such welcome even to illegal immigrants where their skills benefited these societies.

The 1990s have ushered in a new era with an attitude of hostility toward immigrants; and there is no fine line between the legal status of immigrants. International concern over the growing wave of xenophobia in Southern Africa seems to have been realized by the extent to which it exists in South Africa and Botswana. An interesting development on an otherwise disturbing subject is the apparent willingness of the nationals to blame illegal immigration alone for problems usually associated with all immigrants. This is a diplomatic position taken by the news media, in particular, in order to minimize criticisms received for making anti-foreigner statements. It is not characteristic of African journalism alone. Journalists in the U.S.A. have been criticised for failing to distinguish between legal immigrants, refugees/asylum seekers and illegal immigrants (Passel and Fix, 1994). Why would a population, even among the elite, want to spread the myth that economic and social problems usually associated with immigrants are due solely to illegal immigration? It is probably because it recognizes that it is more difficult to lambaste legal immigrants who have been warmly received in the country by immigration and other officers who were convinced that these immigrants' presence would aid the country's economic and social development process.

While newspapers create the illusion that the illegal component is predominantly the area of immigration that nationals are concerned about, empirical studies by the Southern African Migration Project reveal otherwise. The reality is that nationals feel quite uncomfortable with the large foreign presence in the country. There is no evidence of the physical violence against foreigners in Botswana that is manifest in the murder of two Senegalese and a Mozambican in a train in Johannesburg in 2000 or the violent protests against foreign street traders in the same city in August 1997 (Crush and Mattes, 1998; Peberdy and Crush, 1998). Still, there is a passive state of xenophobia among Botswana (Campbell, 2003; van Dijk, 2003; Fombad, 2004); and this partly explains a recent outflow of highly skilled expatriates from Botswana to South Africa and Namibia.

It should be noted that under xenophobic conditions there is a tendency to misinterpret situations, such as inability to speak a language of the host country, illiteracy, etc., and to have a person who actually holds a legal status in a country apprehended for being an illegal immigrant. "Witch-hunting" is an additional problem where legal immigrants are unlawfully apprehended for being in the country illegally. It is also noteworthy that, universally, job security is less assured for immigrants than nationals. For instance, skilled immigrants are frequently employed on contract basis when their national counterparts are employed on permanent basis. The length of contracts is inversely related with perceived security of the employment. This difference between non-nationals and nationals is especially felt in the sectors where illegal immigrants are employed. The emotional effects of these situations should be considered by governments when designing steps to control illegal immigration.

## Controlling Illegal Migration Flows

Given the history of illegal immigration, the control measures that have been taken so far and their results, there is a strong temptation to put up one's hands in despair and surrender to the problem. The Ghanaian and Nigerian governments' decisions to expel illegal immigrants in the 1960s and 1980s reflect the danger of adopting such attitude. It is probably in an effort to avoid a repeat of actions that threaten a person's basic human rights that the South African government has put in much effort to bring about a solution to illegal immigration in the country.

### Measures Prescribed:

Since a very large part of illegal immigration involves surface crossing of international borders, it has been recommended that the member states of SADC adopt a cooperative approach towards controlling illegal border crossing. In this respect, a Draft Protocol on the Facilitation of Movement of Persons in the Southern African Development Community was formulated. William's (1998) examination of the draft protocol aptly summarizes why there is no certainty yet about its implementation. Considering financial and other costs of implementing the draft protocol, and that poorer countries within SADC have more to gain than their richer counterparts, it is hardly surprising that there is yet no agreement on it. The first phase of a similar protocol (visa free entry) was successfully implemented in West Africa in the 1970s, beginning with the Mano River Union between Sierra Leone and Liberia, through the Economic Commission of West African States (ECOWAS). But the Nigerian government's delay in implementing this clause contributed largely to the flow of massive illegal migration of West Africans to that country. Still, it is unclear how much visa-free entry into a country assists in controlling illegal immigration. South Africa extends visa exemptions to numerous countries, making it relatively convenient for immigrants to take advantage of their legal presence in the country, albeit for a short while, to extend their stay illegally while seeking employment (Kotze and Hill, 1997).

If South Africa's Ministry of Home Affairs ensures that the Immigration Bill was implemented with complete enthusiasm and free of corruption, there should be significant reduction of illegal immigrants in the country. But the experiences in developed countries, where similar Acts have been implemented, do not provide much scope for celebration of anticipated success. Implementation of the 1986 Immigration Reform and Control Act (IRCA) in the USA included an additional \$400 million (an increase of 50%) to the budget for improving patrol of the Mexico-USA border (Donato *et al.*, 1992). As in the case of South Africa when conditional amnesty was granted to illegal immigrants from SADC countries in 1996, the USA government legalized the residence status of about 1.3 million illegal immigrants in 1988. Also, as in South Africa, the IRCA re-authorized the prohibition of employers from hiring illegal immigrants. In effect, any organization found employing illegal immigrants was subject to civil and criminal penalties. These measures failed to deter



illegal cross-border activities by Mexicans (Donato *et al.*, 1992; Espenshade, 1994); and much of this was due to the widening economic gap between the USA and Mexico following a boost in USA's economy by 1989 when Mexico's economy was in recession. Some of the measures that were implemented in the Organisation for Economic Co-operation and Development (OECD) countries could be useful in southern Africa. They include tightening of border controls, extension of visa requirements, swifter processing of visa application forms, stricter measures regarding illegal employment and trafficking in illegal labour migration (SOPEMI, 1993, p.44). However, considering that the increasing economic gap between the economies of South Africa and Botswana and other SADC countries like Mozambique, Lesotho and Zimbabwe, there is hardly much hope that the Aliens Control Amendment Act measures would be very successful in deterring illegal immigration in South Africa.

Contrary to control measures adopted by OECD countries, switching the electrified fence in South Africa from 'lethal' to 'alarm' mode may be interpreted as a relaxation of border controls in the country. Tightening border controls would require investment of vast sums of money. It may require extending the electrified fences to cover the whole land area of the South Africa and Botswana borders as well as increasing the number of border patrol officers. It is not certain whether the benefits which may be derived from such massive investment would justify the cost, even when it is assumed that the country has the economic potential to invest very much on tightening border controls. As a measure of controlling illegal immigration, since 1994 South Africa has reduced the number of countries that are exempted from entry visa requirements. However, it has not done so well in the processing of applications for entry visa. It takes seven days to get the same from the South African embassy for a maximum period of six months. Moreover, though the fee for such visa at the South African Consulate is lower (about US\$26.37) than that for a US visitor's visa (about US\$43.96), it has increased immensely since 1996. It should be noted that citizens of Botswana (Botswana) are exempted from South African entry visa. Therefore only foreigners in Botswana seek entry visas into South Africa. The delay in processing visa applications and the exorbitant charge made on each visa would serve to encourage South African-bound travellers to search for more cost effective methods to cross the South African border.

## **Policy Recommendations**

Where immigration policies are rational, as in the US, there should be an acceptable degree of tolerance for illegal immigration. Thus illegal immigrants could work and their children may receive education at the host government's expense. But this is not so in most countries, especially in sub Saharan Africa. Rightly or wrongly, Botswana and South Africa are in the category of countries that have been accused of applying draconian measures in the treatment of apprehended illegal immigrants. This betrays the very limited legal, economic and social rights that are accorded illegal immigrants by several countries.



### **International cooperation:**

The numerous deaths that have occurred to illegal immigrants in southern Africa has contributed to realization of the need for cooperative actions among SADC member states to solve the problem of illegal immigration in the region. Zimbabwean and Botswana governments are determined to assist South Africa in the control of illegal border crossing (Chiburi, 1998). One of the factors that have contributed to complacency among illegal immigrants is the awareness that the application of sanctions to this activity is evidence that its criminal effects are recognized only at destination countries. Generally, nationals of countries from which large scale illegal immigration occurs tend to experience several forms of persecution by immigration officers and the host population even when entry and stay at the destination was legal. While the perpetrators of acts of persecution should not be lauded for having developed negative attitudes toward foreigners from relatively poor countries, the “exporting” countries should share some of the blame for taking practically no action to deter illegal emigration. In this regard, sending countries should endeavour to share the cost of controlling illegal immigration. This could take several forms, including good governance, improvement of economic efficiency and bi-lateral economic cooperation. The last is consistent with the “new international division of labour” approach, whereby industrial capital has been moving from the core towards the periphery (Frobel *et al.*, 1980).

### **Research:**

Difficulties encountered in analysing the problems associated with illegal immigration are largely due to absence of reliable statistics on the subject. Effective control of illegal immigration would require considerable knowledge about persons who live in a country illegally. The Southern African Migration Project (SAMP) has successfully completed the first phase of attitudinal and behavioural aspects of international migration in Southern Africa. It is recommended that the Ministries responsible for immigration control embark on intensive research activities designed to estimate the volume of illegal immigration and emigration in Southern African countries. These studies should also include scientific investigation of the determinants of illegal migration and the social networks within which illegal transportation, shelter and employment of people operate.

### **Border control, Illegal Employment and Currency Transfer:**

Assuming that over 80% of illegal immigration in southern Africa involves illegal border crossing, it is recommended that the budget for immigration control be increased substantially, taking into account increased number of patrol officers covering land and sea borders and maximisation of efficiency and accountability. Applicants for refugee status should not be allowed to work until their applications have been processed and they have been awarded legal residence in the country. Notwithstanding few European trade unions’

support of illegal employment, the general expression is towards alienating this practice (<http://www.eurofound.ie>). Though it may be impossible to stop employment of illegal immigrants, additional effort should be made to discourage it. Unscrupulous employers should be sanctioned heavily where it was established that they employed illegal immigrant. Similar actions associated with purchasing stolen goods help to discourage such acts. Where laws require street traders to hold permits for such activity, the fine for illegal trading should be substantial. Due to the effect of illegal immigration on illegal international cash flows, governments should control currency export through parallel ("black") market exchange avenues and related media of illegal international currency transfer.

## Conclusion

Since the 1970s illegal immigration has become an increasing source of concern worldwide as poverty forced professionals and non-professionals to take desperate steps to survive and improve their living standards elsewhere. In the SADC region the primary reason for illegal border crossings is the marked variation between the economies of the countries. Notwithstanding the sparse data on this subject, there are indications of the occurrence of illegal border crossings since 1990. While several countries appear to be relatively quiet, the governments and public in Botswana and South Africa are expressly critical of illegal immigrants. The nature of illegal immigration is overshadowed by the realization that it involves apprehensive measures which may constitute human right violations. But especially because of the economic, social and psychological implications of the act, there is growing pressure on governments in receiving countries to stem illegal immigration. Both countries have begun responding to international demand for governments to improve the methods of apprehension.

Several measures are being implemented in Botswana and South Africa towards stemming illegal immigration. However, from experiences in Europe and the US, it may be conjectured that the measures included in South Africa's Aliens Control Amendment Act and Botswana's recent erection of an electrified fence will not deter illegal border crossings. While actions designed to sanction employers of illegal immigrants may impact poorly on a country's disposable income (Bucci and Tenori, 1996), this should not deter policy makers from implementing cost-effective measures of illegal employment control. But, while doing so, the governments should be mindful of the fact that illegal immigrants' contribution to the host's national economy through tax payments could serve to offset much of the country's expenditure on them. There exists a socio-economic network which assists in the process of illegal border crossing as well as employment in South Africa. Corruption is also rife in the country and does obstruct efficiency in the mechanisms for stemming the flow of illegal immigrants. Other SADC states have not quite appreciated the need for international cooperation in controlling this problem. However, if all SADC states were to recognise the seriousness of this and work together with the receiving countries, South Africa, Botswana and Namibia may not repeat the mistakes of human right violation to the extent that Ghana and Nigeria did in

1969 and 1983.

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